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Viewing cable 09BRUSSELS1656, CHALLENGES WITH CHINA DISCUSSED AT HUMAN RIGHTS

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09BRUSSELS1656	2009-12-09 14:38	2011-08-30 01:44	CONFIDENTIAL	USEU Brussels

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SUBJECT: CHALLENGES WITH CHINA DISCUSSED AT HUMAN RIGHTS
EXCHANGE

Classified By: Deputy Political Counselor Mary Curtin for reasons 1.4(b)
) and (d).

¶1. (C) SUMMARY. The recent EU-China human rights dialogue dominated discussions during the December 4 human rights exchange (HRE) on China. Participants from the EU, Sweden, The Netherlands, Germany, Hungary, Australia, Japan, Switzerland, Norway, Canada and the U.S. also discussed efforts to mainstream human rights into their overall relationships with China and debated possible avenues for cooperation with the Chinese. The Dutch hosts concluded the conversation with a session on the current state of freedom of religion in China. Canada will host the next human rights exchange in May 2010. END SUMMARY.

FROSTY CLIMATE AT EU-CHINA DIALOGUE

¶2. (C) Swedish xxxx began the session by providing a bleak assessment of the November 20 EU-China human rights dialogue. xxxx explained that the Chinese failed to provide relevant information and spent an inordinate amount of time detailing human rights violations in EU member states. Rule of law was the main topic on the EU side, but according to xxxx the Chinese answered all inquiries by reiterating the "Three Supremes" doctrine (the will of the party and the will of the people will override the importance of the written law in legal cases). "China then encouraged the EU to find a more open attitude toward rule of law," xxxx said. China also sharply attacked the UN Special Procedures by stating that rapporteurs and envoys should be elected with consideration to better geographic distribution. According to xxxx, the one positive aspect of the dialogue was an extensive reply to individual cases by the Chinese. The Chinese, he guessed, were attempting to thwart any EU attempts to bring up more individual cases at the EU-China summit ten days later.

¶3. (C) xxxx then asked European Commission Human Rights xxxx, xxxx, to comment on the legal seminar and field visits attached to the dialogue. The seminars remains highly politicized, explained xxxx, and the Chinese objected to almost all aspects of the organization and participation, including specific opposition to the participation of representatives from Amnesty International and Human Rights Watch. To end deliberations the EU agreed to circulate, on the Chinese Ministry of Foreign Affairs' behalf, a notice forbidding individuals from participating in side meetings outside the legal seminar. The EU did conduct its own side meetings with the Ministry of Labor and the Ministry of Justice, but xxxx described these as "dual monologues" instead of actual discussions. Reflecting on his experience, xxxx, who has participated in four prior EU-China dialogues, said that the atmosphere was "aggressive, assertive, frosty" and the most difficult he had experienced. xxxx agreed, adding that China repeatedly reiterated that these are new times and China is "no longer going to sit here to be lectured by you."

¶4. (C) This aggressive atmosphere of the seminar and human rights dialogue marred joint statement negotiations prior to the EU-China summit, explained European Commission xxxx. However, according to xxxx, the EU brought up human rights concerns, but not individual cases, at the ministerial troika prior to the summit, at European Commission President Jose Manuel Barroso's private dinner with Chinese Premier Wen Jiabao, at the press conference, and at the summit itself.

MAINSTREAMING HUMAN RIGHTS VIS--VIS CHINA

¶5. (C) Several other HRE participants described similar efforts to mainstream human rights concerns into other aspects of their relationships with China. The Dutch, for example, explained that it is their policy to brief all ministers on human rights issues of concern to their portfolios prior to visiting China. Canada said that they

used ministerial meetings as a means to raise human rights following the suspension of their formal dialogue. The U.S. also described its interest in expanding an "interagency approach" to raising key human rights issues, emphasizing the role rule of law, the free flow of information, religious tolerance, and a vibrant civil society can play in helping to address global challenges and maintaining stability.

16. (U) Currently the EU is evaluating the EU-China human rights dialogue, and one aspect of the review is how best to mainstream human rights issues. The EU is also trying to determine how to assess the impact and success of the dialogue, as well as evaluating the legal seminar. Since member states have not come to any conclusions, the European Council representative did not comment on the evaluation's internal or strategic recommendations.

DETERIORATING CONDITIONS

17. (C) HRE participants agreed that human rights and civil society conditions within China are generally deteriorating, especially the rule of law. European Commission Human Rights xxxx said that his contacts are reporting that human rights lawyers are increasingly harassed by police and experiencing increased pressure by the Beijing Lawyers Association. Australia reported concern about the continued imprisonment by petitioners in black jails. When the EU asked China about these black jails during the EU dialogue, xxxx explained, Chinese officials dismissed them as "guest-houses" for the petitioners. xxxx said that the Chinese appear to now use a new, more relativist approach to human rights, refusing to accept the universality concept. Despite this, xxxx agreed with the U.S. delegation comment that human rights defenders in China feel it is useful to have interactions with the diplomatic community.

ANY OTHER OPTIONS?

18. (C) Meanwhile, European Commission xxxx argued that pressing the Chinese on political rights is a "dead end." According to xxxx, there are subjects on which China can be engaged, but they are in realms that diplomats traditionally lack technical expertise, such as migration, health, and conflict resolution within companies. Canada offered environmental issues as one subject on which cooperation with the China may be possible. The Dutch, however, disagreed, stating that not pushing China in multilateral fora to accept the universality of human rights would undermine everyone's efforts. The challenge, said the U.S. delegation, is to identify internal debates in Chinese society and government over reform, and then to determine how best to support the reform under consideration. Labor law is one area where continued progress is possible. The Swedes agreed and offered violence against women and anti-discrimination as two other possible avenues for cooperation.

FREEDOM OF RELIGION

19. (C) Finally, HRE participants discussed freedom of religion in China as this session's theme. The Dutch provided a historical perspective on the situation, saying that in China, religion is not viewed as an intrinsic right, but rather as a tool of society. During a recent conference, the Dutch continued, the Chinese appeared very interested in religion's role in providing welfare. The U.S. agreed, and said that the U.S. plans on discussing faith-based aid during the upcoming human rights dialogue and working group on religion. The U.S. will invite the Chinese to look at our system to demonstrate how including religious groups in our infrastructure promotes stability. Participants also expressed concern about the situation in Tibet and Xinjiang,

including recent executions and the continued persecution of the Falun Gong.

¶10. (C) Canada will host the next HRE sometime toward the end of May and Germany offered to host during the second half of ¶2010.

¶11. (U) DRL cleared this cable.
KENNARD